

Article - Real Property

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§11A-101.

(a) In this title the following terms have the meanings indicated, unless the context requires a different meaning.

(b) “Association” means a nonstock corporation consisting only of time-share estate owners formed according to Title 5, Subtitle 2 of the Corporations and Associations Article.

(c) “Commission” means the State Real Estate Commission.

(d) “Common elements” means all of a time-share project except for the time-share units located in the project.

(e) “Common expenses” means the costs of management and operation of the time-share project, maintenance of, and improvements to the common elements, maintenance of the units, and repair and replacement of personalty located in the project owned by the association.

(f) “Conversion building” means a building that at any time before the disposition of any time-share was occupied by any person for residential purposes.

(g) (1) “Developer” means any person in the business of creating or disposing of that person’s time-shares in time-share projects.

(2) “Developer” does not include an association reselling time-shares acquired by the association:

(i) Through foreclosure of a lien for nonpayment of assessments or other charges by a time-share owner as provided in § 11A-110 of this title; or

(ii) By deed in lieu of foreclosure from a time-share owner who is delinquent in payment of assessments or other charges as provided in § 11A-110 of this title.

(h) “Developer control period” is as defined in § 11A-106 of this title.

(i) “Exchange company” means any person operating an exchange program.

(j) “Exchange program” means any arrangement for the exchange of occupancy rights of time-share owners.

(k) “Facility fees” means fees for recreational or other facilities charged on a use basis.

(l) “Managing entity” means any person or association, including the developer, designated in or employed pursuant to a time-share instrument or project instrument to manage a time-share project.

(m) “Occupancy expenses” means costs occasioned by use of individual time-share units such as housekeeping or cleaning.

(n) “Project” means real property all or a portion of which is subject to a project instrument. A project may include units that are not time-share units.

(o) “Project instrument” means 1 or more recordable documents, by whatever name denominated, applying to a project and containing restrictions or covenants regulating the use, occupancy, enjoyment, or disposition of units or amenities in or other aspects of a time-share project.

(p) “Purchaser” means any person, other than a developer, who by means of a voluntary transfer acquires a legal or equitable interest in a time-share other than as security for an obligation.

(q) “Sales contract” means any agreement transferring the rights and obligations of the time-share plan to the purchaser.

(r) “Time-share” means a time-share estate or time-share license.

(s) “Time-share estate” means the ownership during separated time periods, over a period of at least 5 years, including renewal options, of a time-share unit or any of several time-share units, whether the ownership is a freehold estate, an estate for years, or an undivided interest.

(t) “Time-share estate project” means that portion of the project set aside for the use and enjoyment by time-share purchasers as described in the time-share plan or time-share instrument, and as acquired by the time-share purchaser in the execution of a sales contract.

(u) “Time-share expenses” means common expenses and occupancy expenses, but does not include facility fees.

(v) “Time-share instrument” means a document that describes the time-share as provided in §§ 11A-103 and 11A-107 of this title.

(w) “Time-share license” means a right to use or occupy 1 or more units or any of several units during 5 or more separated time periods over a period of at least 5 years, including renewal options, in a time-share project.

(x) “Time-share plan” means any arrangement other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, license, or right to use agreement or by any other means, whereby a time-share purchaser, in exchange for a consideration, receives a time-share, and attendant rights and obligations.

(y) “Time-share project” means that portion of the project set aside for the use and enjoyment by time-share purchasers as described in the time-share plan or time-share instrument, and as acquired by the time-share purchaser in the execution of a sales contract.

(z) “Time-share unit” means a unit subject to a time-share plan.

(aa) “Undivided interest” means ownership of an interest in a project in common with not fewer than 25 other purchasers or prospective purchasers, that entitles each owner to use or occupy 1 or more units or any of several units during 5 or more separated time periods over a period of at least 5 years, including renewal options, whether or not the exercise of the right to use or occupy depends upon the availability of any unit or units.

(bb) “Unit” means real property, or a portion thereof, designated for separate use.

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